

REMARKS

I. Overview

These remarks are set forth in response to the Non-Final Office Action mailed October 26, 2007. As this response has been timely filed within the three-month shortened statutory period neither a petition for an extension of time nor a corresponding fee is required. Presently, claims 1 through 20 are pending in the Patent Application. Claims 1, 10 and 12 are independent in nature. In the Non-Final Office Action, each of claims 1 through 9 and 12 through 20 have been rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 7,206,814 to Kirsch. Further claims 10 and 11 have been rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 7,224,778 to Aoki. In response, Applicants have amended claims 1, 4, 10, 12 and 15. No new matter has been added.

II. The Applicants' Invention

The Applicants' invention provides a system, method and apparatus for classifying and processing process incoming electronic mail messages based upon associated policies. In the Applicants' invention, prior to delivering an electronic message to a mail client, the incoming electronic message can be classified based upon the source of the incoming message. A policy associated with the classification can be used to determine how to process the incoming message. For instance, at one extreme a policy can indicate that all messages associated with a trusted classification are to be delivered, while at another extreme, a policy can indicate that all messages associated with a blocked classification are never to be delivered. In this way, spam can be

intelligently handled uniformly and automatically without regard to the varying nature of disparate electronic mail clients.

III. Rejections Under 35 U.S.C. § 102(e)

A. Characterization of Kirsch

Kirsch refers to an e-mail filtering method and system that categorize received e-mail messages based on information about the sender. Data about the sender is contained in the message and is used to identify the actual sender of the message using a signature combining pieces of information from the message header or derived from information in the message header. This and other information about the message is then sent by each member of an e-mail network to one or more central databases which stores the information and compiles statistics about e-mails sent by the sender to indicate the likelihood that the e-mail is unsolicited and determine the reputation of the sender. In this regard, a good reputation indicates the sender does not send unwanted messages while a bad reputation indicates the sender sends unsolicited e-mail messages. Finally, information from the central database is sent to recipients in order to determine the likelihood that a received e-mail message is spam.

B. Characterization of Aoki

Aoki discloses a method and apparatus for managing subscription-type arrangements involving a recurring series of messages sent to user recipients on a communications network. Incoming messages are monitored by a filtering agent, and message attributes are compared to corresponding parameters stored in a database to

block certain messages from unauthorized sources and forward authorized messages to an addressee. Provisions are made for a communications service provider to create special arrangements with commercial partners to facilitate the starting, modification, and canceling of subscription arrangements. Individual user recipients can independently contact the commercial partners, third-party commercial entities, individual or groups to establish a subscription-type arrangement.

C. Amendments to the Claims

Applicants have amended claims 1, 10 and 12 uniformly to provide:

- (1) the identification of a source of an incoming electronic message;
- (2) the classification of the source;
- (3) the selection of a message transfer policy based upon the classification; and,
- (4) the application of the selected message transfer policy to the incoming electronic message.

D. Comparison of the Cited Portions of Kirsch and Aoki to the Claims

Claim 1 recites as follows:

1. A method for classifying electronic mail message transfer requests for policy enforcement comprising the steps of:
 - identifying a source of an incoming electronic message;
 - classifying said source;
 - selecting a message transfer policy based upon the classification;and,
 - applying the selected message transfer policy to said incoming electronic message..

Integral to Claim 1 is the selection of "a message transfer policy based upon the classification." This aspect of claims 1, 10 and 12 cannot be found in either Kirsch or Aoki.

Indeed, Kirsch shows e-mail filtering through a categorization of received e-mail messages based on information about the sender. However, the process taught in Kirsch is a direct process which is proprietary to the e-mail client. (See e.g. Figure 1, Element 64--the "filtering software"). Likewise, in Aoki, filtering rules are incorporated into the message delivery process and stored in a subscription database accessible to a recipient user. Yet, again, the filtering rules are applied proprietarily by the "mail subscription manager" (See e.g. Figure 1, Element 32--the "mail subscription manager").

Applicants' invention, however, avoids proprietary solutions by reverting to policy driven decision making in order to provide "a more effective methodology for combating spam exclusive of the client side mail client which can span varying mail clients while maintaining a constant level of effectiveness" as set forth in paragraph [0008] of Applicants' specification. In this regard, instead of directly applying rules to inbound messages based upon the identity of a sender of the message, in the Applicants' invention, a policy is selected based upon the identity of the sender, irrespective of the nature of the policy. Thereafter, the policy is applied to the inbound message. Consequently, the underlying policy can change without affecting the underlying selection logic of the e-mail client.

IV. Conclusion

The Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 102(e) owing to the amended claims and the foregoing remarks. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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